

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

Crl. O.P. No. 7717 of 2020

M. Murugesan @ Povanu @ Murugaiyan,  
S/o. Muniyan,  
Middle Street,  
Kodavasal, Thirukkalambar District,  
Tiruvarur District.

.. Petitioner/ Accused

Vs.

The State rep. by its  
Sub Inspector of Police,  
Kodavasal Police Station,  
Thiruvarur District.  
[Crime No. 674 of 2020]

.. Respondent

**Prayer:** Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. T. Dharani

For Respondent : Mr. M. Jothikumar  
Additional Public Prosecutor

## **ORDER**

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 and Section 379 of I.P.C., in Crime No.674 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 23.04.2020, at about 04.30 a.m., on secret information with regard to sand theft, when the de-facto complainant and his police party were checking, the driver of the un-numbered Tractor with Tipper, on seeing the de-facto complainant and his police party, left the Tractor and Tipper and ran away from the place of occurrence. On search, it was found that two units of sand were transported illegally without any permission or license. The petitioner is owner of Tractor with Tipper. The vehicles were seized with sand and on complaint, a case has been registered under Section 379 of I.P.C. and Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957.

3. Learned counsel appearing for the petitioner submitted that FIR is registered against the petitioner on false information. The petitioner hails from respectable family, the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner will co-operate with the investigation and will not tamper the witness and hamper the investigation. The petitioner will make himself available for the interrogation as and when required by the respondent Police and prayed for granting anticipatory bail.

4. Learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner was transporting two units of sand without any permission or license in an un-numbered Tractor with Tipper. The investigation is pending and opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the facts, nature of offence and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of Judicial Magistrate, Thiruvavarur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the Judicial Magistrate, Thiruvavarur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) by Demand Draft in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund (CMPRF), Finance

Department, Government of Tamil Nadu, Secretariat, Chennai 600 009 or by Electronic Clearing System (ECS) to the Savings Bank Account No. 11720 10000 00070 of CMPRF to the Indian Overseas Bank, Secretariat Branch, Chennai 600 009 bearing IFSC Code IOBA0001172 and CMPRF PAN – AAAGC0038F, towards fund collected for COVID – 19, within a period of one week from the date of receipt of a copy of this order.

(iii) the petitioner shall report before the respondent Police once in a week on every Monday at 10.30 a.m, until further orders.

(iv) the petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as laid down in the decision of the Hon'ble Supreme Court, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(vi) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

**V.M.VELUMANI, J.,**

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7. Accordingly, this Criminal Original Petition is allowed.

**20.05.2020**

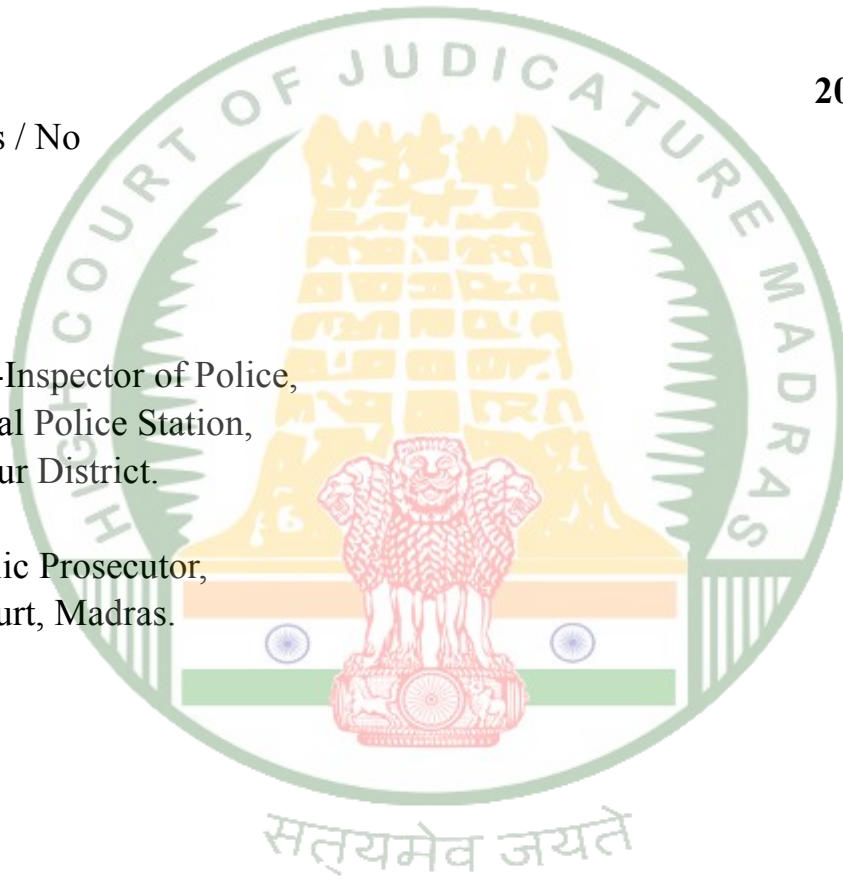
Index : Yes / No

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To

1.The Sub-Inspector of Police,  
Kodavasal Police Station,  
Thiruvarur District.

2.The Public Prosecutor,  
High Court, Madras.



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